

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAMOT THONGVILAY, A025057918,

Petitioner,

v.

FIELD OFFICE DIRECTOR, et al.,

Respondent(s).

Case No. [23-cv-05724-SK](#) (PR)

ORDER OF TRANSFER

I.

Petitioner Pamot Thongvilay, a citizen of Laos, filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his prolonged detention by the United States Immigration and Customs Enforcement (ICE) at the Mesa Verde Detention Center (MVDC) in Bakersfield, California.

II.

The federal habeas statute expressly limits the power of district courts to grant habeas writs to “within their respective jurisdictions.” 28 U.S.C. § 2241(a). “The plain language of the habeas statute thus confirms the general rule that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.” Rumsfeld v. Padilla, 542 U.S. 426, 442 (2004). This district-of-confinement rule is a “bright-line rule” that does not contain any exceptions other than the express statutory carveouts in 28 U.S.C §§ 2241(d) and 2255. Id. at 443, 449-50. Neither § 2241(d) nor § 2255 apply here, and the Ninth Circuit has made clear that the bright-line district-of-confinement rule applies to habeas challenges to immigration detention such as this case. See Lopez- Marroquin v. Barr, 955 F.3d 759, 760 (9th Cir. 2020) (holding in context of challenge to immigration detention that “[t]he plain language of the habeas statute confirms the general rule that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement”).

Petitioner is detained at the MVDC in Bakersfield, California in the County of Kern, which lies within the venue of the Eastern District of California. See 28 U.S.C. § 84(b). Under the rationale of Lopez-Marroquin, jurisdiction/venue for this habeas challenge to Petitioner's immigration detention lies only in the Eastern District of California. See 955 F.3d at 760.

III.

For the foregoing reasons, the petition for a writ of habeas corpus under 28 U.S.C. § 2241 is TRANSFERRED to the United States District Court for the Eastern District of California.

The clerk shall transfer this matter forthwith.

IT IS SO ORDERED.

Dated: November 9, 2023



SALLIE KIM
United States Magistrate Judge